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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,815	11/30/2000	Hideaki Yui	03500.015025.	8732
5514 7590 12/24/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/725,815

Applicant(s)

YUI ET AL.

Examiner

USHA RAMAN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 25th 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 48 and 52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 48, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US Pat. 6,477,705) in view of McKissick et al. (US PG Pub. 2006/0190966)

With regards to claim 48 and 52, Yuen disclose a receiver apparatus and a method comprising a receiving unit (see fig. 1) for receiving a television broadcast

signal (see column 1 lines 32-34) and program information of a plurality of broadcast programs (see column 4 lines 55-column 5 line 3) that are multiplexed.

an image generation unit (video processor) for generating an EPG based on program information (col. 5 lines 12-16).

A control unit (24) for controlling the image generation unit so as to generate a plurality of EPG images with a same EPG screen layout according to at least three operation modes (fig. 3 showing a "main menu" mode, fig. 4 showing a "surf guide" mode, fig. 6 showing a "scan guide" mode).

The EPG in a main menu mode comprises a two dimensional program guide table and a selected program window (44) in which program information relating to a broadcast program selected by the user on the two dimensional program is displayed (see fig. 3, column 5 lines 64-66). This main menu mode of Yuen reads on the claimed "normal program selection mode".

Yuen fails to disclose the second and third modes comprising a "recommended program selection mode" and "recommended program import mode" respectively, wherein the program recommended selection mode adds to the EPG in the normal program selection mode, a recommended index input window in which a recommended index input by the user for the broadcast program is displayed, wherein a recommendation information including the recommendation index can be exported to an external apparatus that is accessible by another user; and in the recommended program import mode the program information for the broadcast

program recommended by another user is notably displayed on the EPG image in the normal program selection mode.

In an analogous art, McKissick discloses a method of a recommending programs from a program guide, using recommendation index (evaluation), wherein the recommendation including the recommendation index can be exported to an external apparatus which is accessible by another user ([0015], wherein user can send messages to other users that are connected the user's television distribution facility through a communications network, wherein the messages maybe reminder message to watch a particular program). This is accomplished by incorporating a "messaging feature" into a program guide [0053], that allows a user to transmit messages (including evaluation) regarding programs to a user at a remote location. An evaluation comprising a recommendation index input window (182, 184, 186, 188) in which a recommendation index input by the user for the selected program is displayed [0098] on a program information screen [0113].

McKissick further discloses that evaluations received maybe transmitted in a variety of formats [0099] after it is received by the STB [0126], [0128]. It should be noted again that McKissick discloses that such messaging features maybe provided on the program information screen.

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of McKissick in the system of Yuen so that a plurality of users at remote locations can recommend programs to one another and interact through a program guide system. It should be note that Yuen discloses that a program information

screen (46) is displayed along with program listings in a normal program guide mode. Therefore in the modified system, when a user chooses to recommend a program to another user, the system adds to the normal program guide, the evaluation message window comprising a recommendation index input window on a program information screen, in which a recommendation index input by the user for the selected program is displayed. The modified system further comprises the step wherein when a recommendation message is received by the STB, it is displayed on the program information area of the EPG, thereby "notably displaying" on the EPG image the program information for the program information recommended by another user in the normal program selection mode. This reads on the claimed "recommended import mode".

With regards to claim 51, the modified system further comprising a selecting unit (remote controller unit 28) for selecting the broadcast program selected by the user from a plurality of broadcast programs contained in the two dimensional program guide table and the processing unit for processing the video signal of the selected broadcast program (see column 6 lines 14-25).

5. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US Pat. 6,477,705) in view of McKissick et al. (US PG Pub. 2006/010966) as applied to claim 48 above and further in view of Herz et al. (US Pat. 6,020,883)

With regards to claim 49, the modified system does not disclose, "wherein in the EPG image in the recommended program import mode, the two dimensional

program is displayed with a different display form for program boxes on the table between the recommended and non-recommended broadcast program". In an analogous art, Herz discloses a method of highlighting recommended programs directly on the EPG so that they can be emphasized to the viewer. See column 22 lines 66-67. It would have been obvious to one of ordinary skill in the art to further modify the system in view of Herz' teaching by highlighting the recommended programs directly on the EPG so that they can be emphasized to the viewer. By highlighting the recommended programs, the recommended broadcast program is displayed with a different display form for program boxes on the table from the non-recommended broadcast program.

With regards to claim 50, the modified system discloses displaying the recommended program with information representative of the recommendation indices (see [0099]). The modified is however silent on the step of highlighting the recommended broadcast program by displaying it brighter than other programs. Examiner further takes Official Notice that highlighting an item by displaying it brighter was well known in the art at the time of the invention. It would have been obvious to display the recommended program brighter in order to emphasize it to the user using brighter color. for highlighting or emphasizing the item to a user.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Tue-Fri: 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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